

REMARKS

This Amendment is filed in response to the Office Action dated September 15, 2003 and in accordance with the personal interview conducted on November 5, 2003. Claims 1 to 17 have been cancelled without prejudice or disclaimer. Claims 18 to 24 stand withdrawn. New Claims 25 to 36 have been added. No new matter has been added to the Claims. Enclosed herewith are copies of the January 22, 2002 Information Disclosure Statement and March 18, 2003 Electronic Information Disclosure Statement. No fee is due, however Applicant authorizes the charging of Deposit Account No. 02-1818 for any insufficiency or credit for any overpayment.

Information Disclosure Statements

Applicant has filed the following Information Disclosure Statements:

- (a) Information Disclosure Statement on January 22, 2002;
- (b) Electronic Information Disclosure Statement on March 18, 2003; and
- (c) Second Supplemental Information Disclosure Statement on July 8, 2003.

The Office Action acknowledged consideration of the references cited in the July 8, 2003 Second Supplemental Information Disclosure Statement. The Office Action did not acknowledge receipt or consideration of the January 22, 2002 or March 18, 2003 Information Disclosure Statements. Applicant respectfully requests consideration of the references cited in such statements. For the Examiner's convenience and as requested by the Examiner during the personal interview, Applicant has enclosed herewith copies of such information disclosure statements and accompanying PTO Forms 1449 (without references). The Examiner acknowledged receipt of the references during the interview. Upon Examiner's request, Applicant will provide any additional copies of the references cited in such information disclosure statements.

Claim Rejections – 35 U.S.C. §112

The Office Action rejected Claims 12 to 17 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office Action stated that in Claim 12, no antecedent basis exists for body means in line 6 and that in Claims 14, 16 and 17, the term, valve is misspelled. Applicant has cancelled such Claims for the reasons described below. Applicant

respectfully submits that the such cancellation overcomes the Office Action's rejection under 35 U.S.C. §112.

The Office Action rejected Claims 1 to 8 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,979,694 to Bennett et al ("Bennett"). In addition, the Office Action rejected Claims 1 to 8, 10 and 12 to 17 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,320,817 to Hardwick et al ("Hardwick") in view of U.S. Patent No. 5,979,668 to Kane et al ("Kane"). Also, the Office Action rejected Claims 1 and 9 under 35 U.S.C. §103(a) as being unpatentable over Hardwick in view of U.S. Patent No. 5,118,009 to Novitsky ("Novitsky").

Applicant respectfully disagrees with such rejections for the reasons provided below. However, in order to expedite the prosecution of this application, Applicant has cancelled Claims 1 to 17 and added new Claims 25 to 36.

Claim 25 (and Claims 26 to 32 which depend therefrom) define a pressurizable drink supply canister which includes, among other elements, a gas inlet valve connected to one of the ends of the canister at an opening in the end. Also, the canister includes a drink supply outlet valve which has a connection member removably connected to one of the ends of the canister at an opening in this end. The drink supply outlet valve also includes a rotatable member coupled to the connection member. The rotatable member is rotatable between an open position and a closed position.

Claim 33 (and Claims 34 to 36 which depend therefrom) define a pressurizable drink supply canister which includes, among other elements, a gas inlet valve connected to the first end of the canister at an opening in the first end. The gas inlet valve has a piercable sealing member. The canister also includes a rotatable drink supply outlet valve connected to its second end.

Applicant respectfully submits that the new Claims 25 to 36 are patentably distinguished over: (a) Bennett; (b) the combination of Hardwick and Kane; and (c) the combination of Hardwick and Novitsky. Although Applicant has cancelled Claims 1 to 17 in this Amendment, Applicant respectfully disagrees with and traverses the Office Action's rejections for the reasons provided below. Accordingly, Applicant reserves the right to pursue the patentability of the invention defined by now cancelled Claims 1 to 17 in one or more continuation applications.

Claim Rejections – 35 U.S.C. §102

The Office Action rejected Claims 1 to 8 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,979,694 to Bennett et al (“Bennett”).

Bennett

Bennett discloses a pressure canister which includes a pressure relief valve and a quick disconnect outlet. The pressure canister holds hydride. The hydride in the canister produces hydrogen over time which builds up inside the canister. “The quick disconnect outlet 32 is used to draw out the hydrogen produced by the hydride contained within the body 12 of the canister 30. In the event that the pressure becomes excessive, the pressure relief valve 34 will vent the excessive hydrogen build up, to prevent damage to the canister 30, via the cross channel 39.” (Bennett, Column 4, Lines 29 to 35). In operation, an article which receives the supply of gas from the canister, is connected to the O-ring (33). This article receives the hydrogen gas produced from the hydride material.

Bennett does not disclose a gas inlet valve. The pressure relief valve (34) is an outlet valve which releases excess hydrogen from the canister. The quick disconnect outlet valve (32) is an outlet valve which draws off the hydrogen produced inside the canister. Neither of these valves are inlet valves or function as inlet valves.

Applicant notes that the Office Action stated that Bennett discloses a gas inlet valve 32 and an outlet valve 34. Applicant also notes that the Office Action stated that valve (32) is read as a tilt valve because of the quick disconnect feature which would allow the valve to be disconnected while being tilted. However, Bennett states that “[b]oth the quick disconnect outlet 32 and the pressure relief valve 34 are screwed into the top end cap 14, via internally threaded bores 36 and 38, respectively. (Bennett, Column 4, Lines 17 to 19). Accordingly, the quick disconnect outlet (32) must be unscrewed to be disconnected. Based on Applicant’s understanding of Bennett, the quick disconnect outlet (32) cannot be unscrewed while being tilted at the same time. Accordingly, Applicant respectfully submits that Bennett does not disclose a tilt valve.

Applicant also notes that the Office Action stated that valve (32) is read as a rotatable valve because the valve can be rotated when disconnected. Applicant submits that the moment the quick disconnect outlet (32) is entirely unscrewed from the canister, the quick disconnect outlet (32) will stop functioning as a valve, that is, an outlet. This is because the unscrewing of

outlet (32) will cause hydrogen to flow directly from the bore (36). Accordingly, Bennett does not disclose a rotatable valve. For the reasons described above, Applicant respectfully submits that Bennett does not disclose the invention defined by now canceled Claims 1 to 8.

Claim Rejections – 35 U.S.C. §103

The Office Action rejected Claims 1 to 8, 10 and 12 to 17 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,320,817 to Hardwick et al (“Hardwick”) in view of U.S. Patent No. 5,979,668 to Kane et al (“Kane”). Also, the Office Action rejected Claims 1 and 9 under 35 U.S.C. §103(a) as being unpatentable over Hardwick in view of U.S. Patent No. 5,118,009 to Novitsky (“Novitsky”).

Hardwick

Hardwick discloses a gas scrubber apparatus which includes a cylindrical housing having a gas inlet port assembly at one end and a check valve at the second end. The second end also includes a closure plug (111). The closure plug allows access to the fill port (109) for removing accumulated debris. In operation, the gas flows from the first end through the cylindrical housing and through the second end. The interior of the cylindrical housing includes a material for scrubbing or cleaning the entering gas.

The Office Action stated that Hardwick discloses an inlet valve (111) and an outlet valve (110) connected to a body 102 in a side-by-side manner. However, Hardwick states that element (111) is actually a closure plug. “The fill port 109 is threaded at its upper extremity to accommodate the positioning therein of a closure plug 111 during the normal use of a scavenger vessel.” (Hardwick, Column 9, Lines 29 to 31). The scrubber apparatus (100) does not include an inlet valve. Rather, the scrubber apparatus (100) includes an inlet port assembly which includes an unobstructed influent gas flow passage (118). When connected to a gas supply apparatus, gas flows through the influent gas flow passage (118) into the interior volume (112) and out through the check valve (110). Accordingly, Hardwick fails to disclose, teach or suggest a gas inlet valve, and, in addition, Hardwick fails to disclose, teach or suggest a drink supply outlet valve.

Kane

Kane discloses a filtration device for testing water. The device includes a capsule which has a sample inlet (5) at one end and a fluid outlet (21) at the opposite end. A water supply hose

or tube (9) connects to the sample inlet (5), and water flows through the capsule (1) and out of the fluid outlet (21). (Kane, Column 4, Lines 35-66). Kane does not disclose, teach or suggest using a gas inlet valve or drink supply outlet valve. For these reasons, Applicant respectfully submits that the combination of Hardwick and Kane does not disclose, teach or suggest the invention defined by now canceled Claims 1 to 8, 10, 11, or 12 to 17.

Novitsky

Novitsky discloses a beverage dispenser which dispenses beverage from carbonated beverage canisters. The dispenser includes a dispensing tube which has a puncturing end. In operation, the user inserts the pressurized canister upside down into the dispenser, forces the cap of the canister onto the puncturing end of the dispenser and locks the canister in place with a lid (26). The inside of the lid (26) includes a compressible pressure pad (36) which applies a biasing force to the canister. The user shakes the dispenser and the canister to generate the necessary pressure for expelling servings of the beverage. (Novitsky, Column 8, Lines 42 to 49). The dispenser also includes a dispensing valve, such as a spigot (48). By opening and closing this valve (48), the user can control the flow of beverage to a cup.

Applicant submits that the Novitsky dispenser is intended for use with pre-pressurized canisters. Accordingly, pressurized gas does not flow into the canister. Rather, pressurized gas already inside the canister forces beverage from the canister. Novitsky does not disclose, teach or suggest a gas inlet valve. This is consistent with the intended use of Novitsky because there would be no need to supply gas to a pre-pressurized canister. In Novitsky, the beverage does not flow into the canister, but rather, flows from the canister.

Applicant notes that the Office Action stated that element (36) of Novitsky is a piercable sealing member. However, Novitsky states that element (36) is a compressible pressure pad (36), not a piercable sealing member.

For the above reasons, Applicant respectfully submits that the invention defined by now canceled Claims 1 to 8, 9, 10 and 12 to 17 is patentable over Hardwick in view of Kane and also over Hardwick in view of Novitsky.

An earnest endeavor has been made to place this application in condition for formal allowance and is courteously solicited. If the Examiner has any questions regarding this Amendment, Applicant respectfully requests that the Examiner contact the undersigned.

Appl. No. 10/010,108

Response to Office Action dated September 15, 2003

Respectfully submitted,

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